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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/574,090	03/30/2007	Lino Dreyer	HWR-0183US	8930
21302 7590 03/02/2010 KNOBLE, YOSHIDA & DUNLEAVY EIGHT PENN CENTER SUITE 1350, 1628 JOHN F KENNEDY BLVD PHILADELPHIA, PA 19103			EXAMINER WRIGHT, MADISON L	
			ART UNIT 3781	PAPER NUMBER
			MAIL DATE 03/02/2010	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/574,090	<b>Applicant(s)</b> DREYER ET AL.	
	<b>Examiner</b> Madison L. Wright	<b>Art Unit</b> 3781	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 04 November 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 7 and 14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6 and 8-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,560,077 to Dutt ("Dutt") in view of U.S. PGPUB 2002/0158037 A1 to Kano et al. ("Kano").

This figure, now referred to as annotated Fig. 1, used for the rejection of claims 1-6 and 8-13 has been replicated below, and the Examiner has added reference points for ease of explanation, and said reference points will be used for the rejection of claims 1-6 and 8-13 below.

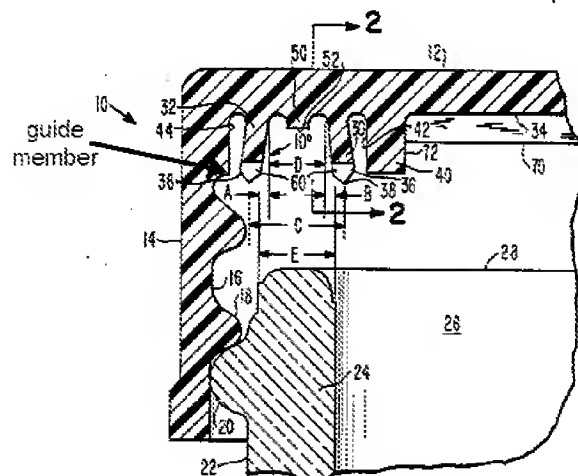


FIG. 1

As to claim 1, Dutt teaches a plastics closure (closure cap 10) for a container, the closure comprising a top plate (top 12), a side skirt (side wall 14) depending from the periphery of the top plate (Fig. 1), a sealing strip (outer sealing flange 32) depending from the top plate and adapted to sealingly engage the side of a container neck finish (container neck 24), and an abutment member (outer seal flange abutment surface 44) including a projecting guide member (guide member, annotated Fig. 1) for guiding the sealing strip towards the neck finish as the closure is applied, so that a strength of the seal is increased, wherein the guide member contacts the sealing strip over a relatively small area so that a friction between the sealing strip and the abutment member is minimized; but does not teach wherein the sealing strip is inclined radially towards the neck finish for improving the sealing effect.

Kano teaches a container closure 2 that has a top panel wall 4 where the top panel wall has an annular seal piece 34 that extends downwardly obliquely in a radially inward direction from the inner surface of the top panel wall.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the annular seal piece that extends radially inwardly of Kano with the closure as taught by Dutt to reduce the deformation of the top panel (Kano, pg. 2, ¶ 0007).

As to claim 2, Dutt modified by Kano teaches a closure according to claim 1, wherein the sealing strip tapers slightly away from the top plate (col. 4, lines 67-68).

As to claim 3, Dutt modified by Kano teaches a closure according to claim 1, wherein the surface of a free end (free end 36) of the sealing strip tapers sharply (Fig. 1).

As to claim 4, Dutt modified by Kano teaches a closure according to claim 1, wherein the sealing strip is adapted to seal on an outer surface of the neck finish (Fig. 3).

As to claim 5, Dutt modified by Kano teaches a closure according to claim 4, wherein the closure further comprises a plug seal (inner sealing flange 30) adapted to seal on an inner surface of the neck finish (Fig. 3).

As to claim 6, Dutt modified by Kano teaches a closure according to claim 5, wherein the plug seal is adapted to exert an outward force on the neck finish for causing the neck finish to move outwards, thereby increasing the strength of the seal from the sealing strip (col. 6, lines 56-60).

As to claim 8, Dutt modified by Kano teaches a container with a neck finish in combination with a closure according to claim 1 (Fig. 3).

As to claim 9, Dutt modified by Kano teaches a container with a neck finish in combination with a closure according to claim 2 (Fig. 3).

As to claim 10, Dutt modified by Kano teaches a container with a neck finish in combination with a closure according to claim 3 (Fig. 3).

As to claim 11, Dutt modified by Kano teaches a container with a neck finish in combination with a closure according to claim 4 (Fig. 3).

As to claim 12, Dutt modified by Kano teaches a container with a neck finish in combination with a closure according to claim 5 (Fig. 3).

As to claim 13, Dutt modified by Kano teaches a container with a neck finish in combination with a closure according to claim 6 (Fig. 3).

### ***Response to Arguments***

3. Applicant's arguments, see page 8, filed 11/04/2009, with respect to the rejection(s) of claim(s) 1-14 under 102b have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of newly found prior art reference. See above rejection.

### ***Conclusion***

4. Applicant is duly reminded that a complete response must satisfy the requirements of 37 C.F. R. 1.111, including: "The reply must present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references. A general allegation that the claims "define a patentable invention" without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section. Moreover, "The prompt development of a clear Issue requires that the replies of the applicant meet the objections to and rejections of the claims." Applicant should also specifically point out the support for any amendments made to the disclosure. See MPEP 2163.06 and MPEP 714.02. The "disclosure" includes the claims, the specification and the drawings.

Art Unit: 3781

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Madison L. Wright whose telephone number is 571-270-7427. The examiner can normally be reached on Monday thru Friday, 8:00 to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on 571-272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Anthony Stashick/  
Supervisory Patent Examiner, Art  
Unit 3781

/M. L. W./  
Examiner, Art Unit 3781